

## Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 EA-11 IO-13 ADP-00 L-03 COME-00 SS-15

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R 102117Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI

INFO USMISSION GENEVA

AMEMBASSY TOKYO

AMEMBASSY ROME

AMCONSUL HONG KONG

USLO PEKING

C O N F I D E N T I A L STATE 158768

E.O. 11652, GDS

SUBJECT: ROC ACCESSION TO PARIS CONVENTION FOR PROTECTION  
OF INDUSTRIAL PROPERTY.

REFERENCE: TAIPEI 4662, TAIPEI 4008

1. THE FOLLOWING IS FOR EMBASSY'S INFORMATION ONLY:

(A) IF THE ROC ADHERES TO THE SUBJECT CONVENTION, THIS  
WOULD NOT PRECLUDE THE POSSIBILITY OF EFFORTS BEING MADE FOR  
THE EXPULSION OF THE ROC FROM THE PARIS UNION (I.E.,

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MEMBER STATES OF THE PARIS CONVENTION) WHEN THE ASSEMBLY

OF THAT UNION MEETS IN NOVEMBER 1973.

(B) THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) POSITION VIS-A-VIS ANY ROC ACCESSION EFFORT IS PARTICULARLY SENSITIVE AT THIS TIME WHEN WIPO IS IN THE PROCESS OF BECOMING A UN SPECIALIZED AGENCY.

(C) IT IS, HOWEVER, THE DEPARTMENT'S OPINION THAT IN ACCORDANCE WITH ARTICLE 29 OF THE STOCKHOLM REVISION OF THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY, THE ROC DOES HAVE THE RIGHT TO DEPOSIT ITS INSTRUMENT OF ADHERENCE AS CONTENDED BY THE ROC (PARAGRAPH 2, REF. B). (ON THE OTHER HAND, DEPARTMENT CAN UNDERSTAND POSITION TAKEN BY THE WIPO DIRECTOR GENERAL (REF B) BECAUSE OF

POLITICAL IMPLICATIONS OF ROC ADHERENCE TO THE PARIS CONVENTION AND THE INEVITABLE CONTROVERSY WHICH IS BOUND TO RESULT.) END FYI.

2. THE EMBASSY IS REQUESTED TO INFORM THE ROC AS FOLLOWS: IN VIEW OF FACT THAT WIPO IS IN THE PROCESS OF BECOMING A UNITED NATIONS SPECIALIZED AGENCY WITH LIKELIHOOD THAT PRC SUPPORTERS WOULD PRESS FOR IMMEDIATE ROC EXPULSION WHEN SPECIALIZED AGENCY STATUS IS ATTAINED, THE USG SEES LITTLE UTILITY IN IN MAKING MAJOR EFFORT TO GET ROC INTO THE PARIS UNION. HOWEVER, THE USG BELIEVES THAT THE ROC HAS A LEGAL RIGHT TO ADHERE TO THE PARIS CONVENTION AND TO DEPOSIT ITS INSTRUMENT OF ACCESSION WITH THE DIRECTOR GENERAL OF WIPO. IN VIEW OF THE POSSIBILITY THAT THE DIRECTOR GENERAL MAY CONSIDER HIMSELF LEGALLY OBLIGATED TO ACCEPT THE INSTRUMENT OF ACCESSION IF PRESENTED, THE ROC ENVOY MAY WISH TO ENDEAVOR TO DEPOSIT THIS INSTRUMENT WHEN HE CALLS UPON BODENHAUSEN.

3. THE EMBASSY ALSO SHOULD SUGGEST AN EXCHANGE OF COMMUNICATIONS BETWEEN THE U.S. PATENT OFFICE AND THE ROC NATIONAL BUREAU OF STANDARDS AND PATENTS OFFICE SETTING FORTH THE RECIPROCAL GRANT OF RIGHT OF PRIORITY TO PATENT AND TRADEMARK APPLICATIONS BASED UPON THE DATE OF FILING WITHIN THE APPLICANTS OWN COUNTRY. THE RIGHT OF PRIORITY  
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IS ONE OF THE MAIN BENEFITS ACCRUING TO SIGNATORIES TO THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY. UNDER THE EXISTING FRIENDSHIP, COMMERCE AND NAVIGATION TREATY WITH THE ROC, THE NATIONALS OF THE U.S. AND THE ROC ARE ASSURED MOST FAVORED NATION TREATMENT WITH RESPECT TO PATENTS AND TRADEMARKS.

4. PLEASE ADVISE WHETHER ROC IS INTERESTED IN SUCH A

BILATERAL EXCHANGE SO THAT THE DEPARTMENT AND THE PATENT OFFICE MAY TAKE PROMPT ACTION IN THIS MATTER.

5. THE DEPARTMENT WOULD LIKE TO KNOW OF ANY ACTION TAKEN BY THE ROC TO DEPOSIT ITS INSTRUMENT OF ADHERENCE TO THE PARIS UNION. ROGERS

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